IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ALVARO CRUZ GUTIERREZ, #1842401 §

VS. § CIVIL ACTION NO. 6:15cv507

T. FOXWORTH, ET AL. §

ORDER OF DISMISSAL

Plaintiff Alvaro Cruz Gutierrez, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the civil rights lawsuit should be dismissed because Plaintiff had not complied with an order to pay an initial partial filing fee of $13.83. Plaintiff has filed a motion for relief from the order, which is construed as objections. He states that he submitted a request to the trust fund department to forward the money to the Court on June 14, 2015; nonetheless, the fee has not been paid. The Court granted him an extension of time to pay the initial partial filing fee, but it still has not been received.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #13) is **ADOPTED**. It is

further

ORDERED that the cause of action is **DISMISSED** without prejudice for want of

prosecution and failure to obey an order. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern

District of Texas. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 27th day of August, 2015.

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MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE